

Article 4019—Whenever a reef of oysters is over eight feet below the surface of the waters, the Game, Fish and Oyster Commissioner may grant permission, to any one applying for it, to dredge on such reef. And in doing this the Commissioner shall state the character and number of dredges to be used and the length of time for which they shall be used. The person to whom such privilege shall be granted shall not dredge except in the presence of a deputy Fish and Oyster commissioner, assigned to such duty by the Game, Fish and Oyster Commissioner. And the person granted such permission shall furnish board to such Commissioner on board of the dredge boat or other boat on the reef and shall pay to the Game, Fish and Oyster Commissioner \$2.50 for all days or parts of days during such dredging, which money shall be placed in the special fish and oyster fund.

SEC. 2. That Articles 4020 and 4021, said Title, and all other laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SEC. 3. The fact that the present law governing the fish and oyster industry is not sufficient to protect the industry from wanton destruction, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and the same is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 76 passed the House of Representatives March 29, 1913, but no vote given: and passed the Senate by a two-thirds vote, yeas 24, nays 5.]

Approved April 7, 1913.

Takes effect 90 days after adjournment.

CITIES AND TOWNS—AUTHORIZES CITIES OF MORE THAN
5000 INHABITANTS TO ADOPT AND AMEND
THEIR CHARTERS.

H. B. No. 13.]

CHAPTER 147.

An Act authorizing cities having more than five thousand inhabitants, by a majority vote of the qualified voters of said city, at an election held for that purpose, to adopt and amend their charters, subject to such limitations as may be prescribed by the Legislature; and enumerating certain powers and providing same shall not be exclusive of other powers granted under the Constitution and laws of this State; and providing the method by which said election may be held; and amending Article 812 of the penal code; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That cities having more than five thousand inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State, said cities may levy, assess and collect such taxes as may be authorized

by law, or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half per cent. of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent. thereon; and providing further that no city charter shall be altered, amended or repealed oftener than every two years.

SEC. 2. The legislative or governing authority of any incorporated city, having more than five thousand inhabitants may, by a two-thirds vote of its members, or upon petition of ten per cent. of the qualified voters of said city, shall provide by ordinance for the submission of the question, "Shall a commission be chosen to frame a new charter?" The ordinance providing for the submission of such question shall require that it be submitted at the next regular municipal election, if one should be held, not less than thirty nor more than ninety days after the passage of said ordinance; otherwise it shall provide for the submission of the question at a special election to be called and held not less than thirty days, nor more than ninety days, after the passage of said ordinance and the publication thereof in some newspaper published in said city. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the city at large of a charter commission of not less than fifteen members or more than one member for each three thousand inhabitants, provided, that a majority of the qualified voters, voting on such question shall have voted in the affirmative. The charter so framed by said commission shall be submitted to the qualified voters of said city at an election to be held at a time fixed by the charter commission not less than forty days nor more than ninety days after the completion of the work of the charter commission; provision for which shall be made by the legislative or governing authority of the city insofar as not prescribed by general law. Not less than thirty days prior to such election the legislative or governing authority of said city shall cause the city clerk or city secretary to mail a copy of the proposed charter to each qualified voter in said city as appears from the tax collector's rolls for the year ending January 31st, preceding said election. If such proposed charter is approved by a majority of the qualified voters, voting at said election, it shall become the charter of said city until amended or repealed; provided, that in preparing the charter, the commission shall, as far as practicable, segregate each subject so that the voter may vote "Yes" or "No" on the same. Provided, that where the legislative or governing authority of any city, or where any mass meeting has selected a charter committee, or charter commission, or where the mayor of any city has appointed a charter committee which has proceeded with the formation of a charter for said city, the provisions of this Section as to the selection of the charter commission shall not apply to the first charter election to be held in said city under the terms of this Act. No charter shall be considered adopted until the votes have been counted and an official order entered upon the records of said city by the legislative or governing authority of such city declaring the same adopted. When the legislative or governing authority of any city of more than five thou-

said inhabitants deems it preferable to submit amendments to any existing charter and in the absence of a petition hereinbefore provided for, said legislative or governing authority may, on its own motion, and shall upon the petition of at least ten per cent. of the qualified voters of said city submit any proposed amendment or amendments to such charter; provided, that the ordinance providing for the submission of any proposed amendment or amendments shall require that it, or they, be submitted at the next regular municipal election, if one shall be held, not less than thirty nor more than ninety days after the passage of said ordinance; otherwise it shall provide for the submission of the amendment or amendments at a special election to be called and held not less than thirty nor more than ninety days after the passage of said ordinance, and the publication thereof in some newspaper published in said city. The legislative or governing authority of said city shall cause the city clerk or city secretary to mail a copy of the proposed amendment or amendments to every qualified voter in said city as appears from the tax collector's rolls for the year ending January 31st, preceding said election. Every such proposed amendment or amendments, if approved by the majority of the qualified voters voting at said election, shall become a part of the charter of said city. Each and every amendment or amendments submitted must contain only one subject and in preparing the ballot for such amendment or amendments, it shall be done in such a manner that the voter may vote "Yes" or "No" on any one amendment or amendments, without voting "Yes" or "No" on all of said amendments; and provided that no amendment or amendments shall be considered adopted until the votes have been counted and an official order has been entered upon the records of said city by the legislative or governing authority of such city, declaring the same adopted. Provided, that no ordinance shall be passed submitting an amendment or amendments until twenty days' notice has been given of such intention by publication for ten days in some newspaper published in said city. By "twenty days" is meant from the first date said notice is published.

Provided, that nothing in this Act shall prevent the qualified voters of any city of over five thousand inhabitants from adopting any charter or amendment thereto, and at the same time electing officers under such charter or amendment.

SEC. 3. That, upon the adoption of any such charter or any amendment to any existing charter by the qualified voters, as provided in Section 1 of this Act, it shall be the duty of the mayor or chief executive officer exercising like or similar powers of any such city, as soon as practicable, after the adoption of any such charter or amendment, to certify to the Secretary of State an authenticated copy, under the seal of this city, showing the approval by the qualified voters of any such charter or amendment; and the Secretary of State shall thereupon file and record the same in a separate book to be kept in his office for such purpose; provided that the Secretary of State shall not be allowed to charge any greater fee for the recording of any such charter or amendment than fifteen cents (15c) per hundred words, provided such fee shall not be less than two dollars (\$2.00). That it shall be the duty of the city secretary of any such city or other officer exercising like or similar powers, upon the adoption and approval of any such charter, any amend-

ment thereof by the qualified voters as herein provided, to record at length upon the records of the city, in a separate book to be kept in his office for such purpose, any such charter, or amendment so adopted. That, when said charter or any amendment thereof shall be recorded as herein above provided for, it shall be deemed a public act and all courts shall take judicial notice of same and no proofs shall be required of same. That all cities may institute and prosecute suit without giving security for cost, and may appeal from judgments without giving supersedeas or cost bond.

SEC. 4. That by the provisions of this Act it is contemplated to bestow upon any city adopting the charter or amendment hereunder the full power of local self government, and among the other powers that may be exercised by any such city, the following are hereby enumerated for greater certainty:

The creation of a commission, aldermanic or other form of government; the creation of offices, the manner and mode of selecting officers and prescribing their qualifications, duties, compensation and tenure of office.

The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, according to such rules as may be provided by said charter.

To hold by gift, deed, devise or otherwise any character of property, including any charitable or trust fund; to plead and be impleaded in all courts, and to act in perpetual succession as a body politic.

To provide that no public property or any other character of property owned or held by said city shall be subject to any execution of any kind or nature.

To provide that no fund of the city shall be subject to garnishment, and the city shall never be required to answer in any garnishment proceedings.

To provide for the exemption from liability on account of any claim for damages to any person or property, or to fix such rules and regulations governing the city's liability as may be deemed advisable.

To provide for the levying of any general or special ad valorem tax for any purpose not inconsistent with the Constitution of the State.

To provide for the mode and method of assessing taxes, both real and personal, against any person and corporation, including the right to assess the franchise of any public corporation using and occupying the public streets or grounds of the city separately from the tangible property of such corporation.

To provide for the collection of all taxes, including the right to impose penalties for delinquent taxes.

The power to control and manage the finances of any such city; to prescribe its fiscal year and fiscal arrangements; the power to issue bonds upon the credit of the city for the purpose of making permanent public improvements or for other public purposes in the amount and to the extent provided by such charter, and consistent with the Constitution of the State; provided, that said bonds shall have been first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose. Thereafter all such bonds

shall be submitted to the Attorney General for his approval and the Comptroller for registration, as provided by the State law, provided that any such bonds, after approval, may be issued by the city, either optional or serial or otherwise as may be deemed advisable by the governing authority. That, whenever any city has heretofore been authorized, under any special charter, creating such city, to issue any bonds by the terms of such charter, the provisions of this Act shall not be construed to interfere with the issuance of any such bonds under the provisions of any charter under which such bonds were authorized.

To have the exclusive right to own, erect, maintain and operate water works and water works system for the use of any city and its inhabitants, to regulate the same and to have power to prescribe rates for water furnished and to acquire by purchase, donation or otherwise suitable grounds within and without the limits of the city on which to erect any such works and the necessary right of way, and to do and perform whatsoever may be necessary to operate and maintain the said water works or water works system and to compel the owners of all property and the agents of such owners or persons in control thereof to pay all charges for water furnished upon such property and to fix a lien upon such property for any such charges. To provide that all receipts from the water works may, in its discretion, constitute a separate or sacred fund, which shall be used for no other purpose than the extension, improvement, operation, maintenance, repair and betterment of said water works system or water works supply, and to provide for the pledging of any such receipts and revenues for the purpose of making of any of such improvements, and the payment of the principal and providing an interest and sinking fund for any bonds issued therefor, under such regulations as may be provided by the charter adopted by such city.

To prohibit the use of any street, alley, highway or grounds of the city by any telegraph, telephone, electric light, street railway, interurban railway, steam railway, gas company, or any other character of public utility without first obtaining the consent of the governing authorities expressed by ordinance and upon paying such compensation as may be prescribed and upon such condition as may be provided for by any such ordinance. To determine, fix and regulate the charges, fares, or rates of any person, firm or corporation enjoying or that may enjoy the franchise or exercising any other public privilege in said city, and to prescribe the kind of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered, and from time to time alter or change such rules, regulations and compensation; provided, that in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying the franchise shall be considered unless proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and Constitution of the State applicable thereto. That, in order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the governing authority shall have full power to inspect the books and compel attendance of witnesses for such purpose.

To buy, own, construct within or without the city limits and to maintain and operate a system or systems, of gas, or electric lighting plant, telephones, street railways, sewage plants, fertilizing plants, abattoir, municipal railway terminals, docks, wharfs, ferries, ferry landings, loading and unloading devices and shipping facilities, or any other public service or public utility, and to demand and receive compensation for service furnished for private purposes or otherwise, and to exercise the right of eminent domain as hereinafter provided for the appropriation of lands, rights of way or anything whatsoever that may be proper and necessary to efficiently carry out said objects. That any city shall have the power to condemn the property of any person, firm or corporation now conducting any such business and for the purpose of operating and maintaining any such public utilities, and for the purpose of distributing such service throughout the city or any portion thereof; provided that any city may adopt by its charter such other rules and regulations as it may deem advisable for the acquiring and operation of any such public utilities.

To manufacture its own electricity, gas or anything else that may be needed or used by the public; to purchase and make contracts with any person or corporation for the purchasing of gas, electricity, oil or any other commodity or article used by the public and to sell the same to the public upon such terms as may be provided by the charter.

To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to-wit: city halls, police stations, jails, calaboose, fire stations, libraries, school houses, high school buildings, academies, hospitals, sanitariums, auditoriums, market houses, reformatories, abattoirs, railroad terminals, docks, wharves, warehouses, ferries, ferry landings, elevators, loading and unloading devices, shipping facilities, piers, streets, alleys, parks, highways, boulevards, speedways, play grounds, sewer systems, storm sewers, sewage disposal plants, drains, filtering beds and emptying grounds for sewer systems, reservoirs, water sheds, water supply sources, wells, water and electric light systems, gas plants, cemeteries, crematories, prison farms, and to acquire lands within and without the city for any other municipal purposes that may be deemed advisable. That the power herein granted for the purpose of acquiring private property shall include the power of the improvement and enlargement of the water works, including water supply, riparian rights, stand pipes, water sheds, the construction of supply reservoirs, parks, squares and pleasure grounds, public wharves and landing places for steamers and other crafts, and for the purpose of straightening or improving the channel of any stream, branch or drain, or the straightening or widening or extension of any street, alley, avenue or boulevard. That, in all cases where the city seeks to exercise the power of eminent domain, it shall be controlled, as nearly as practicable, by the law governing the condemnation of property of railroad corporations in this State, the city taking the position of the railroad corporations in any such case; that the power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes.

To have exclusive dominion, control and jurisdiction in, over and under the public streets, avenues, alleys, highways and boulevards, and public grounds of such city and to provide for the improvement of any public street, alleys, highways, avenues or boulevards by paving, raising grading, filling, or otherwise improving the same and to charge the cost of making such improvements against the abutting property, by fixing a lien against the same, and a personal charge against the owner thereof according to an assessment specially levied therefor in an amount not to exceed the special benefit any such property received in enhanced value by reason of making any such improvement and to provide for the issuance of assignable certificates covering the payments for said cost, provided that the charter shall apportion the cost to be paid by the property owners and the amount to be paid by the city, and provided further, that all street railways, steam railways, or other railways, shall pay the cost of improving the said street between the rails and tracks of any such railway companies and for two feet on each side thereof. The city shall have the power to provide for the construction and building of sidewalks and charge the entire cost of construction of said sidewalks, including the curb, against the owner of abutting property, and to make a special charge against the owner for such cost and to provide by special assessment a lien against such property for such cost; to have the power to provide for the improvement of any such sidewalk or the construction of any such curb by penal ordinance and to declare defective sidewalks to be a public nuisance. That the power herein granted for making street improvements and assessing the cost by special assessment in the manner herein stated shall not be construed to prevent any city from adopting any other method or plan for the improvement of its streets, sidewalks, alleys, curbs or boulevards, as it may deem advisable by its charter.

To open, extend straighten, widen any public street, alley, avenue or boulevard and for such purpose to acquire the necessary lands and to appropriate the same under the power of eminent domain and to provide that the cost of improving any such street, alley, avenue or boulevard by opening, extending and widening the same shall be paid by the owners of property specially benefited whose property lies in the territory of such improvement and to provide that the cost shall be charged by special assessment and that a personal charge shall be made against any owner for the amount due by him and to provide for the appointment by the county judge or other officer exercising like or similar powers of three special commissioners for the purpose of condemning the said lands and for the purpose of apportioning the said cost, which apportionment of said cost shall be specially assessed by the governing authorities against the owners and the property of the owners lying in the territory so found to be specially benefited in enhanced value by the said special commissioners. That the city shall pay such portion of such cost as may be determined by the said special commissioners, provided the same shall never exceed one-third the cost and the property owners and their property shall be liable for the balance of the same as may be apportioned by said commissioners. That the city may issue assignable certificates for the payment of any such cost against such property owners and may provide for the payments of any such cost in deferred payments, to bear interest at such rate as may be prescribed by the charter not to exceed

eight per cent. That the city may adopt any other method for the opening, straightening, widening or extending of its streets as herein provided for as may be deemed advisable and charge the cost of same against the property and the owner specially benefited in enhanced value and lying in the territory of said improvement that its charter may provide. That the authority to adopt any other method shall include the manner of appointing commissioners, the manner of giving notice and the manner of fixing assessments or providing for the payment for any such improvement.

To control, regulate and remove all obstructions or other encroachments or incumbrances on any public street, alley or ground and to narrow, alter, widen or straighten any such streets, alleys, avenues or boulevards and to vacate and abandon and close any such streets, alleys, avenues or boulevards, and to regulate and control the moving of buildings or other structures over and upon the streets or avenues of such city.

That each city shall have the power to define all nuisances and prohibit the same within the city and outside the city limits for a distance of five thousand feet; to have power to police all parks or grounds, speedways, or boulevards owned by said city and lying outside of said city; to prohibit the pollution of any stream, drain or tributaries thereof which constitutes the source of water supply of any city and to provide for policing the same as well as to provide for the protection of any water sheds and the policing of same; to inspect dairies, slaughter pens and slaughter houses inside or outside the limits of the city from which meat or milk from same is furnished to the inhabitants of the city.

To license, operate and control the operation of all character of vehicles using the public streets, including motorcycles, automobiles or like vehicles, and to prescribe the speed of the same, the qualification of the operator of the same, and the lighting of the same by night and to provide for the giving of bond or other security for the operation of the same.

To regulate, license and fix the charges of fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.

To provide for the establishment of districts within said city wherein saloons may be located or maintained and wherein spirituous, vinous and malt liquors may be sold to be drunk on the premises, and to prohibit the sale of such liquors or the location of such saloons without such defined district, to regulate the location and control the conduct of theaters, moving picture shows, ten pin alleys, vaudeville shows, pool halls, and all places of public amusements.

To license any lawful business, occupation or calling that is susceptible to the control of the police power.

To license, regulate control or prohibit the erection of signs or bill boards as may be provided by charter or ordinance.

To provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fire proof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings

calculated to increase the fire hazard and the manner of their removal or destruction.

To provide for police and fire departments.

To provide for a health department and the establishment of rules and regulations protecting the health of the city and the establishment of quarantine stations, and pest houses, emergency hospitals and hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious diseases.

To provide for a sanitary sewer system and to require property owners to make connections with such sewers with their premises and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against the said owner and make it a personal liability. Also to provide for fixing penalties for a failure to make sanitary sewer connections.

The power to require water works corporations, gas companies, street car companies, telephone companies, telegraph companies, electric light companies, or other companies or individuals enjoying a franchise now or hereafter from the city to make and furnish extensions of their service to such territory as may be required by the charter.

Provided, that in all cities of over twenty-five thousand inhabitants, the city commissioners, or city council, or the governing board or authorities of any such city, when the public service of such city may require the same, shall have the right and power to compel any street railway or other public utility corporation to extend its lines or service into any section of said city not to exceed two miles, all told, in any one year.

To provide for the establishment of public schools and public school system in any such city and to have exclusive control over same and to provide such regulations and rules governing the management of same as may be deemed advisable; to levy and collect the necessary taxes, general or special, for the support of such public schools and public school system.

That, whenever any city may determine to acquire any public utility using and occupying its streets, alleys, and avenues as hereinbefore provided, and it shall be necessary to condemn the said public utility, the city may obtain funds for the purpose of acquiring the said public utility and paying the compensation therefor, by issuing bonds or notes or other evidence of indebtedness and shall secure the same by fixing a lien upon the said properties constituting the said public utility so acquired by condemnation or purchase or otherwise; that said security shall apply alone to the said properties so pledged; that such further regulations may be provided by any charter for the proper financing or raising the revenues necessary for obtaining any public utilities and providing for the fixing of said security.

To enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances and to preserve and enforce the good government, order and security of the city and its inhabitants, and as incident to giving effect to the provisions hereof Article 812 of the Penal Code of the State of Texas is hereby amended so as to hereafter read as follows:

Art. 812. If any person shall wilfully obstruct or injure, or cause to be obstructed or injured in any manner whatsoever, any public road or

highway, or any street or alley in any incorporated town or city, or any public bridge or causeway, he shall be fined in a sum not exceeding two hundred dollars.

SEC. 5. The enumeration of powers hereinabove made shall never be construed to preclude, by implication or otherwise, any such city from exercising the powers incident to the enjoyment of local self-government, provided, that such powers shall not be inhibited by the Constitution of the State.

SEC. 6. All powers heretofore granted any city by general law or special charter are hereby preserved to each of said cities, respectively, and the power so conferred upon such cities, either by special or general law, is hereby granted to such cities when embraced in and made a part of the charter adopted by such city; and provided, that, until the charter of such city as the same now exists is amended and adopted, it shall be and remain in full force and effect.

SEC. 7. That the adoption of any charter hereunder or any amendment thereof shall never be construed to destroy any property, action, rights of action, claims and demands of any nature or kind whatever vested in the city under and by virtue of any charter theretofore existing or otherwise accruing to the city, but all such rights of action, claims or demands shall vest in and inure to the city and to any persons asserting any such claims against the city as fully and completely as though the said charter or amendment had not been adopted hereunder. That the adoption of any charter or amendment hereunder shall never be construed to affect the right of the city, to collect by special assessment any special assessment heretofore levied under any law or special charter for the purpose of paving or improving any street, highway, avenue or boulevard of any city, or for the purpose of opening, extending, widening, straightening or otherwise improving the same, nor affect any right of any contract or obligation existing between the city and any person, firm or corporation for the making of any such improvements and for the purpose of collecting any such special assessment and carrying out of any such contract, the provisions of all charters shall be continued in force.

SEC. 8. Any such city shall have the power to create and establish improvement districts, to levy, straighten, widen, enclose or otherwise improve any river, creek, bayou, stream, or other body of water or streets or alleys, and to drain, grade, fill and otherwise protect and improve the territory within its limits, and shall have the power to issue bonds for making such improvements, such improvement districts to be created and established agreeably to the General Laws of the State providing for the creation of such improvement districts and the issuance of such bonds shall be governed by the powers a city possesses in the matter of issuing bonds.

Any such city shall further have the power to straighten, widen, levy, enclose, or otherwise improve any river, creek, bayou, stream, or other body of water, or streets, or alleys, and to drain, grade, fill and otherwise protect and improve the territory within its limits and to provide that the cost of making any such improvements shall be paid for by the property owners owning property in the territory specially benefited in enhanced value by reason of making any such improvements and a personal charge shall be made against any such property owners as well as a

lien shall be fixed by special assessment against any such property, and the city may issue assignable certificates or negotiable certificates, as it deems advisable, covering such cost and may provide for the payment of such cost in deferred payments and fix the rate of interest not to exceed eight per cent., and pay [may] provide for the appointment of special commissioners or otherwise for the making and levying of said special assessment or may provide that the same shall be done by the governing authorities and that such rules and regulations may be adopted for a hearing and other proceedings had as may be provided by said charter.

SEC. 9. Any such charter may provide a different penalty for the obstruction or incumbrance of its streets, alleys, avenues and highways from that provided by the State law, and provided, further, that no ordinance shall be in conflict with the State law or provide a penalty in conflict therewith save and except in the case of the obstruction and incumbrance of the public streets, alleys, avenues and boulevards of said city.

No charter or any amendment thereof framed or adopted under the provisions of this Act, shall ever grant to any person, firm or corporation any right or franchise to use or occupy the public streets, avenues, alleys or grounds of any such city, but the governing authority of any such city shall have the exclusive power and authority to make any such grant of any such franchise or right to use and occupy the public streets, avenues, alleys and grounds of the city; provided, that if at any time before any ordinance granting a franchise takes effect, a petition shall be submitted to the governing authority signed by five hundred of the bona fide qualified voters of the city, then the governing authority shall submit the question of granting such franchise to a vote of the qualified voters of the city, at the next succeeding general election; provided such election shall occur within twelve months from the date such ordinance takes effect; that, if such election shall not occur within the said twelve months then said ordinance may be submitted if petitioned therefor as herein provided for at a special election to be called by the governing authorities therefor; provided, further that in case said ordinance is submitted at any of said elections, notice thereof shall be published at least twenty days successively in a daily newspaper published in said city prior to the holding of said election. The ballot used at said elections shall briefly describe the franchise to be voted on and the terms thereof and shall contain the words "For the granting of a franchise" and "Against the granting of the franchise." That if a majority of those voting at said election shall vote in favor of granting a franchise the governing body upon canvassing the returns shall so declare and said franchise shall take effect in accordance with its terms, provided, further, however, that no franchise shall extend beyond the period fixed for its termination.

SEC. 10. The fact that there is no enabling act authorizing cities of more than five thousand inhabitants to avail themselves of the constitutional amendment recently adopted, authorizing them by a vote of the qualified voters to adopt or amend their charter, creates an emergency and an imperative public necessity requiring that the constitutional rule, requiring that bills shall be read on three several days, be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 13 passed the House of Representatives by the following vote, yeas 89, nays 0; House refused to concur in Senate amendments and requested appointment of free conference committee, and adopted report of free conference committee by a two-thirds vote, yeas 114, nays 3; and passed the Senate with amendments by a two-thirds vote, yeas 26, nays 0; Senate granted request of House for appointment of free conference committee, and adopted report of free conference committee by the following vote: yeas —, nays —. Received from the Executive office March 31, 1913 for correction, and House adopted report of free conference committee by a two-thirds vote, yeas 103, and nays 12.]

Approved April 7, 1913.

Takes effect 90 days after adjournment.

RAILROADS—AMENDS ARTICLE 6553, CHAPTER 10, TITLE 115, R. S. 1911, RELATING TO TRAIN DISPATCHERS.

S. B. No. 175.]

CHAPTER 148.

An Act to amend Article 6553 of Title 115 Chapter 10 of the Revised Civil Statutes of 1911 relating to railroad train dispatchers and affixing a penalty, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Article 6553 of Title 115, Chapter 10 of the Revised Civil Statutes of 1911 be so amended as hereafter to read as follows:

SEC. 2. Every such railroad corporation operating trains in this State shall employ a competent train dispatcher whose duty it shall be to keep informed of the movement of all trains upon the lines of such railroad corporation. Said train dispatcher shall also keep all agents at stations having telegraph offices in or near them, informed of the movement of all passenger trains one hour prior to the time such passenger train or trains are due, according to the published schedule at such stations. And in the event any such passenger train is delayed for more than one hour, than the published schedule, then it shall be the duty of such train dispatcher to inform such local agents how late said train is and the last telegraph station passed. If such train dispatcher shall fail or refuse to furnish the information concerning the movement of trains to agents as herein required, then such dispatcher shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty nor more than two hundred dollars for each offense.

SEC. 3. The fact that there is no sufficient law upon this subject with a penalty, together with the near approach of the end of the present session of the Legislature, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and that this Act take immediate effect, and be enforced from and after its passage.

[NOTE.—S. B. No. 175 passed the Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives March 31, 1913, but no vote given.]

Approved April 7, 1913.

Takes effect 90 days after adjournment.